

Testimony in Opposition to HJ-4
Before the House Judiciary Committee
February 3, 2015
by
Edward W. Regan

RE: HJ 4 (Balanced Federal Budget Amendment); Montana's Application for a Federal Constitutional Convention under Article V; Sponsored by Representative Monforton.

Chairman Bennett, members of the Committee, for the record my name is Ed Regan, I live and work in Townsend Montana. I'm a lifelong republican and have been a member of the Broadwater Republican Central Committee for the last 25 years. Today I am testifying on my own behalf and do not claim to represent the central committee.

I stand before you in opposition to passage of HJ 4, Montana's Application requesting an Article V Convention to propose a **Balanced Budget Amendment**, and I urge the Committee to consider exactly what's at stake if this measure is passed.

An Article V Constitutional Convention, also known as a Con-Con, is a dangerous and untested process for amending our constitution. The Convention method will threaten the basic structure and underpinnings of our Republic.

If a Federal Balanced Budget Amendment is truly what's needed; the process through which the existing 27 amendments have already been added or rescinded to our federal constitution is by far the **safer method** and the one that should be employed, not the Convention Alternative.

Proponents of a Con-Con argue that a Convention can be limited to a specific issue. Personally, I don't believe all the special interests in America are going to sit on the sidelines, and would rather place my trust in more objective opinions. Over the past two centuries many of America's most astute legal minds have been warning us that Constitutional Conventions are sovereign bodies that control their own destiny.

Former Chief Justice Warren Burger stated: "There is no effective way to limit or muzzle the actions of a Constitutional Convention. The Convention could make its own rules and set its own agenda. Congress might try to limit the convention to one amendment or to one issue, but there is no way to assure that a Convention would obey".

In a 1/16/90 letter to Utah State Representative, Reese Hunter, Former US Federal Court Judge, Solicitor General and Supreme Court Nominee, **Robert Bork**, **stated:** "It is my view that a Federal Constitutional Convention could not be limited to a single issue. The original Philadelphia Convention went well beyond the purposes for which it was called and nobody has

suggested the constitution is a nullity for that reason. Accordingly I do not see how a Convention could be limited to one topic once it has been called". Judge Bork noted that our original constitutional convention was a "runaway" in a sense that the delegates exceeded their instructions from the Confederate Congress.

While our nation was blessed to have men the caliber and character of Washington, Madison and Franklin back in 1787, does anybody here today trust putting the fate of our constitution, including the 2nd Amendment, in the hands of today's politicians and special interests??? I **HOPE NOT!**

Even **James Madison**, father of the constitution, warned in 1788 that a second convention 'would no doubt contain individuals with insidious views seeking to alter the very foundation and fabric of the constitution'. (Letter to G.I. Tuberville 11/2/1788)

Since 1988 seventeen state legislatures, including **Montana** had become so thoroughly convinced of the dangers posed by an Article V Convention that they passed **Resolutions to rescind all previous applications for conventions still on their books.**

Although the proponents believe that a Balanced Budget Amendment would solve this country's fiscal crisis, I ask you to think about these questions; do we have a constitutional problem or do we have a problem adhering to the constitution?

Any BBA would allow both easily obtained dispensations for national emergencies and unlimited future tax increases. The solution to our nation's fiscal problems can already be found in the constitution under Article 1-Section 8. This section lists the enumerated powers that congress already has. Adherence to these constitutional limitations by the congress would, in my opinion, automatically produce the balanced budgets we all desire, thus negating the need for a possible runaway convention.

I urge this Committee to vote against the Resolution and avoid the uncharted waters of a con-con. In closing I ask that the republican members of the committee refer back to the National Affairs plank from our Party's Platform on page 29; and I quote, "We adamantly oppose any attempts, whether direct or indirect, to undermine the Constitution of the United States and its Amendments, including the Bill of Rights".

Thank you for your consideration.

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